

CHAPTER VIII

FEDERAL COMPLIANCE

This chapter of the plan addresses compliance with federal regulations that govern air quality requirements. For a more in-depth discussion on the Long Range Transportation Plan Conformity Determination, refer to *Conformity Demonstration with 1990 Clean Air Act Amendments for 2026 Long Range Transportation Plan and 2004-2006 Transportation Improvement Program* (The Conformity Report).

A. Conformity Determination

As the number of vehicles on the nation's roadways increased, air pollution from mobile sources was identified as an important national health concern. Recognizing this connection, the 1990 Clean Air Act Amendments (CAAAAs) and the Tennessee Transportation Conformity Rules require transportation plans, programs (TIP), and projects to conform to the purpose of the Tennessee State Implementation Plan (SIP). Conformity to a SIP means that planned transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards (NAAQS). The Transportation Equity Act for the 21st Century (TEA-21) reinforced the need for coordinated transportation and air quality planning through the metropolitan planning provisions. Successor legislation to TEA-21 is expected to continue this effort in requiring that transportation planning play a key role in achieving healthy air for citizens to breathe.

Under the 1990 CAAAs, The Environmental Planning Agency (EPA), in 1991, designated Shelby County, Tennessee, in regard to the NAAQS, a moderate nonattainment area for carbon monoxide (CO) and a marginal nonattainment area for ozone (O₃). Due to improvements in the ambient air quality, EPA redesignated Shelby County to attainment for CO on August 31, 1994 and for O₃ on February 16, 1995. Redesignation for CO was published in the Federal Register, Vol. 59, No. 142, p. 37597 and pp. 37939-37944, dated July 26, 1994. A maintenance plan was produced at that time with local Transportation Control Measures (TCMs) specified as a part of the SIP revision. EPA's reclassification of the Memphis & Shelby County nonattainment area to attainment status for O₃ was published in the Federal Register, Vol. 60 No. 10, pp. 3352-3356, January 17, 1995.

The purpose of this conformity analysis is to demonstrate that the implementation of the newly adopted FY 2004-2006 Transportation Improvement Program (TIP) and the financially constrained 23-year Long Range Transportation Plan (2026 LRTP) will contribute to improved air quality, in compliance with the 1990 CAAAs. The conformity determination is performed according to procedures prescribed by the following Federal, state and local regulations: 40 CFR Parts 51 and 93, United States EPA 1997 Transportation Conformity Rule; the Tennessee Transportation Conformity Rules, Chapter 1200-3-3; the Memphis and Shelby County ordinances that adopt by reference the Tennessee Conformity Rules; and, Metropolitan Planning Organization (MPO)

Planning Regulations (23 CFR 450.322) implementing TEA-21 Requirements. This conformity determination is only for the Shelby County portion of the MPO planning area, since the rest of Memphis MPO planning area has never been classified as nonattainment for a transportation related pollutant.

The on-road mobile sources daily emissions budgets, specified in the 1997 SIP revision for the last year of the maintenance period, 2004, are VOC = 144.5 tons, NO_x = 94.3 tons, CO = 414.6 tons. As no new SIP budget has been adopted, regulations require that the emissions from the last year of the maintenance plan be the “emissions budget” for future horizon years in 2026 Long Range Transportation Plan. The Memphis and Shelby County Health Department is preparing eight-year updates of these Maintenance Plans as required by EPA regulation.

In order for each transportation plan, program, and FHWA/FTA project to be found to conform, the MPO and DOT must demonstrate that the applicable criteria and procedures have been satisfied (section §93.109-a). The following criteria are found to be applicable and are described as:

- 1) The conformity determinations must be based upon the most recent planning assumptions in force at the time of the conformity determination;
- 2) The conformity determinations must be based upon the latest emission estimation model available;
- 3) MPOs and State departments of transportation must provide reasonable opportunity for consultation with State air agencies, local air quality and transportation agencies, DOT, and the EPA;
- 4) Timely implementation of Transportation Control Measures (TCMs) in the applicable State Implementation Plan (SIP) must be provided for; and
- 5) The conformity determination must comply with TEA-21, or its successor when adopted, and the MPO Planning Regulation.

The Conformity Report documents the process used by Memphis MPO for the Conformity Determination of the 2026 LRTP and reaffirmation of conformity of the 2004 – 2006 TIP. The following table summarizes the conformity analysis findings.

**Table 50: “Maintenance Period” Conformity Requirements
Summary of Emissions and Emissions Budgets
(Tons per day)**

POLLUTANTS	EMISSION BUDGET*	2026	2016	2006	2004
VOC (Ozone Season)	144.500	11.385	13.871	27.203	29.610
NO_x (Ozone Season)	94.300	13.022	23.147	57.682	63.469
CO (Carbon Monoxide Season)	414.600	291.834	287.738	361.482	399.255

* Source: 1997 Non-Regulatory SIP Submittal by Memphis and Shelby County Health Department, Pollution Control Section.